

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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SKYLER LUSK, TIA COUNCIL, VIKTORIA
O'BRIEN, AND JUSTIN BYROAD, *on behalf of*
themselves and all other employees similarly situated,

Plaintiffs,

-against-

SERVE U BRANDS, INC., INSOMNIA COOKIES,
LLC, AND SETH BERKOWITZ,

Defendants.

Civ. No.: 17-cv-6451 (MAT)(MWP)

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STIPULATION AND ORDER OF DISMISSAL
AND TO AMEND THE CAPTION

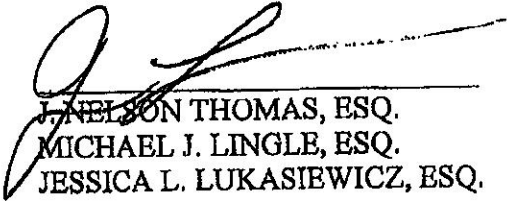
It is hereby stipulated and agreed, by and between Plaintiffs Skyler Lusk, Tia Council, Viktoria O'Brien, and Justin Byroad, individually and on behalf of others alleged to be similarly situated, and the current opt-in Plaintiffs in this case (collectively "Plaintiffs"), and Defendants Serve U Brands, Inc., Insomnia Cookies, LLC, and Seth Berkowitz ("Berkowitz"), through their undersigned attorneys, that all Causes of Action of Plaintiffs' Amended Class and Collective Action Complaint (Dkt 59) are dismissed against Berkowitz in their entirety pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii). Dismissal is without prejudice. Any future amendment regarding Berkowitz shall only be made by consent of the Parties or with leave of the Court.

It is further stipulated and agreed that the caption in this matter is amended to remove Berkowitz.


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WILLIAM J. ANTHONY, ESQ.
NOEL P. TRIPP, ESQ.
DOUGLAS J. KLEIN, ESQ.

Dated:

4-25-19

Dated:

4-29-19

SO ORDERED on this 30 day of April,
2019


U.S.D.J.